

**Amendments To The Drawings:**

**None**

**Remarks**

This Amendment is in response to the Office Action dated **August 1, 2007**.

A Petition for a two (2) month Extension of Time accompanies this Amendment.

**Miscellaneous Note**

The Office Action made reference to a discussion without the Primary Examiner. For the record, that call was made simply because as of the date of the phone call, Examiner Lhymn was no longer the Primary Examiner and Applicant still did not know who was assigned to take over prosecution. Since calls to Mr. Lhymn indicated that he was no longer the Primary, a call was made to Mr. Stashick. Applicant had not been notified of any other contact at that time. Applicant would certainly have communicated directly with the present Primary Examiner directly if we had been notified of who would take over the prosecution from Mr. Lhymn.

**Art Rejections**

Claim 1 has been amended to overcome the art rejections. The first amendment to the claim is wording specifying that the gripping members comprise recesses formed in the wall. Previously, the claim had simply said that the gripping members were formed in the wall, allowing the assertion that Bekak, simply by virtue of having walls, had this feature.

The next amendment to claim 1 specifies that the recesses formed in the walls define a back wall portion between the recesses, the back wall portion comprising a smoothly curved surface extending from one recess to another. In addition, the amended claim further states that when gripped, a palm of a hand would rest on the back wall portion. In Clark, the user is required to wrap his fingers around a corner at the intersection of two flat sides. In addition, the second of these amendments differentiates the claim from Bekak, where the examiner claimed that the

container could be gripped by placing the palm of the hand on the bottom of the container.

The next change is that the inclined tongue portion is required to extend upwardly and outwardly from “a generally vertical portion of the wall.” The purpose of this amendment is to further differentiate this claim from Clark. In Clark, the part of the container stated by the examiner to be a tongue portion extends from a horizontal shelf portion of the container. The configuration of Clark is disadvantageous, because, assuming the outer edge of the container is a “tongue portion”, the paint dabbed on the tongue portion would simply drip down and sit on the horizontal shelf.

The next amendment requires the gripping members to be positioned on an opposite side of the dipping section from the tongue portion. The purpose of this amendment is to further differentiate this claim from Clark. Clark has an unusual configuration for the gripping members, in which the gripping members are positioned symmetrically around the geographical centre of the container. The result is that no “tongue portion” in Clark is on an opposite side of the container from the gripping members.

The last amendment of claim 1 is an incorporation of some of the subject matter of current claim 2. This subject matter, shown in the last paragraph of amended claim 1, requires that a torque be created about the gripping members when the container is held by the user. As stated above, Clark has a peculiar design, in which the gripping members are symmetrical about the centre point of the container. The result is that the centre of gravity is at the centre point. Since the gripping members are precisely symmetrical about that point, no torque is created about the gripping members.

To the extent these proposed amendments deal with subject matter not previously contained in the claims, they are supported, *inter alia*, in the figures.

The claim amendments clearly differentiate over the §102(a) rejection based on Cooke as

well as the §102(e) rejection based on Bebak. In addition, as noted above, the claims now clearly differentiate from and are patentable over Clark. The limitations added also avoid any §103(a) rejection based on Cooke, Bebak or Da Silva, alone or in combination.

## **Conclusion**

It is respectfully submitted that the amendments to the claims have overcome all of the art rejections, in any combination that could be made. An early notice to that effect is requested.

Respectfully submitted,

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